



13281 U.S. PTO

PATENT  
ATTORNEY DOCKET NO. 051438-5002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Nadine BURTON et al.	)	Group Art Unit: Not Yet Assigned
	)	
Application No.: Unassigned	)	Examiner: Not Yet Assigned
	)	
Filed: November 14, 2003	)	

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202  
**MAIL STOP PATENT APPLICATION**

**TRANSMITTAL FOR A NEWLY EXECUTED  
ORIGINAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Nadine BURTON, Elizabeth MAGUIRE, Ann LEONARD, Robin L. BANKER, Michael ROULEAU, Paul BLUMENTHAL, and Terence KOMINSKI

For: **MEDICAL VACUUM ASPIRATION DEVICE**

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.

2. The papers enclosed to obtain a filing date are as follows:

<u>20</u>	Pages of Specification including:
<u>0</u>	Title Page
<u>4</u>	Pages of Claims
<u>1</u>	Page of Abstract
<u>7</u>	Sheets of drawings containing <u>15</u> Figures

3. Combined Declaration and Power of Attorney

☐ Enclosed and is executed by all inventors  
☒ Not Enclosed.  
 This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

## 4. Language

- ☒ English  
☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.  
☒ An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

Application No.	Filed

## A. Relate Back - 35 U.S.C. §119(e)

☐

## 8. Small entity status

- ☒ Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

## 9. Fee Calculation (37 C.F.R. §1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$340.00
			BASIC FEE	770.00
Total Claims (37 C.F.R. §1.16(c))	24 - 20 =	4	18.00	\$72.00
Independent Claims (37 C.F.R. §1.16(b))	2 - 3 =		86.00	\$0.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			290.00	
			<b>SUB-TOTAL =</b>	<b>\$842.00</b>
			Reduction by 1/2 for filing by a small entity	\$421.00
			<b>TOTAL FILING FEE =</b>	<b>\$421.00</b>

## 10. Fee Payment

- ☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**  
 This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☐ The Commissioner is hereby authorization to charge Deposit Account No. 50-0310 in the amount of \_\_\_\_\_ representing \_\_\_\_\_.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_ documents included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



William G. Battista, Jr.  
Reg. No. 37,525

Dated: **November 14, 2003**

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